

Article - Criminal Law

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§3–802.

(a) In this section:

(1) “stalking” means a malicious course of conduct that includes approaching or pursuing another where:

(i) the person intends to place or knows or reasonably should have known the conduct would place another in reasonable fear:

1.
 - A. of serious bodily injury;
 - B. of an assault in any degree;
 - C. of rape or sexual offense as defined by §§ 3–303 through 3–308 of this title or attempted rape or sexual offense in any degree;
 - D. of false imprisonment; or
 - E. of death; or
2. that a third person likely will suffer any of the acts listed in item 1 of this item; or

(ii) the person intends to cause or knows or reasonably should have known that the conduct would cause serious emotional distress to another; and

(2) “stalking” includes conduct described in item (1) of this subsection that occurs:

- (i) in person;
- (ii) by electronic communication, as defined in § 3–805 of this subtitle; or
- (iii) through the use of a device that can pinpoint or track the location of another without the person’s knowledge or consent.

(b) The provisions of this section do not apply to conduct that is:

- (1) performed to ensure compliance with a court order;
- (2) performed to carry out a specific lawful commercial purpose; or
- (3) authorized, required, or protected by local, State, or federal law.

(c) A person may not engage in stalking.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding \$5,000 or both.

(e) A sentence imposed under this section may be separate from and consecutive to or concurrent with a sentence for any other crime based on the acts establishing a violation of this section.

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